



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carolyn Gonzales
Udall for Us All
P.O. Box 25766
Albuquerque, NM 87125

JUN 15 2017

RE: MUR 6897
Allen Weh for Senate

Dear Ms. Gonzales:

The Federal Election Commission reviewed the allegations in your complaint received by the Commission on October 31, 2014. Based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close the file in this matter. Accordingly, the Commission closed its file on November 9, 2016. The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Allen E. Weh MUR 6897
Allen Weh for Senate
and Rebecca Sanchez, as treasurer

I. INTRODUCTION

This matter was generated by a Complaint filed by Daniel Sena on behalf of Udall For Us All ("Complainant") on October 31, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Allen E. Weh, 2014 candidate for U.S. Senate from New Mexico,¹ and Allen Weh for Senate and Rebecca Sanchez in her official capacity as treasurer (collectively the "Committee"). It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant alleges that the Committee's 2014 April and July Quarterly reports, and its 2014 Pre-Primary Report, disclosed 80 disbursements totaling over \$70,000, apparently made to the candidate to reimburse him for airfare costs, but did not disclose in a memo entry the ultimate payee.² The Complaint further contends that because the Committee failed to properly disclose the ultimate payee for airfare expenses, it is not possible to determine whether the

¹ Weh lost the 2014 general election. He is not currently a candidate for federal office.

² *Id.* at 3, Attach. 1.

1 Committee has complied with the regulations regarding travel on non-commercial aircraft,
2 including aircraft owned by Weh's company, CSI Aviation.³

3 The Committee responds that it amended all 2014 disclosure reports to include memo
4 entries disclosing the ultimate payee for all of the disbursements to the candidate for air travel
5 costs.⁴

6 The Act and the Commission's regulations require authorized committees to report the
7 full name and address of each person to whom they make expenditures or other disbursements
8 aggregating more than \$200 per election cycle, along with the date, amount, and purpose of the
9 payment.⁵ In addition, a memo entry identifying the ultimate payee is required for any
10 reimbursement of expenses (other than travel and subsistence expenses) if the individual's
11 payments to the vendor on behalf of an authorized committee aggregate more than \$200 in an
12 election cycle.⁶ When the reimbursement is for travel advances that exceed \$500, a memo entry
13 is required for each payment to a specific vendor by that individual on behalf of the authorized
14 committee if total payments to that vendor by the political committee (or by the individual on
15 behalf of the committee) aggregate more than \$200 in an election cycle.⁷ Each memo entry must

³ *Id.* at 4; *see* 11 C.F.R. § 100.93.

⁴ Resp. (Jan. 23, 2015).

⁵ 52 U.S.C. § 30104(b)(5) and (6); 11 C.F.R. §§ 104.3(b)(2)(i), (4)(i), (vi); *see also* 11 C.F.R. § 104.9(a) and (b).

⁶ *FEC Record: Regulations, Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements*, 78 Fed. Reg. 40625 (July 8, 2013) and 11 C.F.R. §§ 104.3(b)(4)(i) and 104.9.

⁷ *Id.*

1 include the name and address of the vendor, as well as the date, amount and purpose of the
2 payment.⁸

3 A review of the Commission's records reveals that the Committee amended its 2014
4 disclosure reports on January 22, 2015, to include most, but not all payee information. In
5 addition, based on the Committee's amended reports, there is no information to suggest that the
6 Committee violated the Commission's regulations related to non-commercial travel.⁹ Therefore,
7 in furtherance of the Commission's priorities, relative to other matters pending on the
8 Enforcement docket, and in light of the Committee's corrective actions, the Commission
9 exercised its prosecutorial discretion and dismissed the matter.¹⁰

⁸ *Id.*

⁹ 11 C.F.R. § 100.93.

¹⁰ *Heckler v. Chaney*, 470 U.S. 821 (1985).